

**RESOLUTION NO. 74628**

**RESOLUTION OF THE COUNCIL OF THE CITY OF SAN  
JOSE MAKING CERTAIN DETERMINATIONS  
REGARDING THE EXPENDITURE OF REDEVELOPMENT  
AGENCY FUNDS ON CERTAIN PUBLIC IMPROVEMENTS**

**WHEREAS**, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency, with the consent of the legislative body, to pay for the costs of certain public improvements if the legislative body determines that: 1) the public improvements benefit the project area; 2) no other reasonable means of financing the improvements are available to the City; and 3) payment for the improvements will assist in the elimination of blight; and

**WHEREAS**, the City Council of the City of San José ("City Council") has received and considered that certain memorandum entitled "Determinations Regarding Funds Transferred to the City for the San José BEST Program" from the Assistant Director of Finance of the Redevelopment Agency of the City of San José to the City's Capital Budget Coordinator, dated August 7, 2008 which includes a discussion of certain public improvements in various redevelopment project areas (the "Project Areas"); and

**WHEREAS**, the Project Areas were created pursuant to the provisions of the California Community Redevelopment Law (California Health and Safety Code Sections 33000, *et. seq.*) and the adoption of a redevelopment plan; and

**WHEREAS**, in connection with the adoption of the redevelopment plan, the Redevelopment Agency has determined that blighting conditions exist within the Project Areas and that the implementation of various public improvements is an element of the redevelopment plan; and

**WHEREAS**, the implementation plan for the Project Areas includes the following:

1. Parking Guidance System Phase II. The project includes improvements to parking equipment and roadway signs in the downtown area, to maximize the parking capacity of the facilities in the system.
2. Revenue Control Upgrades. The project upgrades the credit card processing equipment at all garages and at the central server to meet the credit card industry's Payment Card Industry Data Security for the garage facilities in the downtown area to standardize the revenue control equipment and increase customer satisfaction.

3. Convention Center Deck Upgrade. The project upgrades the concrete deck of the Convention Center Garage, to repair existing damages, preventing further damages to the concrete deck in the garage and preventing damages to electrical and communications systems on the lower level of the Garage.
4. Minor Parking Facility Improvements. The project upgrades parking facilities in the downtown area, including concrete deck sealing, traffic coating, waterproofing replacement, lobby area improvement, staircase replacement and façade improvements.
5. Security Improvements. The project upgrades parking facilities with security equipment in the downtown area, and implements various security upgrades such as roll-up gates, security fencing, video cameras, and surveillance equipment located at entry/exit lanes, lobby areas, and stairwells.
6. Martin Park Landfill. The project includes improvements at Martin Park which is within the Five Wounds and Brookwood Terrace Strong Neighborhood Initiative Redevelopment Project Areas, by the construction of a passive interceptor trench and vapor barrier around the perimeter of the Martin Park Landfill to mitigate elevated levels of landfill methane gas recently detected at Martin Park.
7. Anti-Graffiti Program. The project includes the removal of graffiti from both public and private property, such as fences, sidewalks, homes, businesses, and trees in redevelopment project areas.

**WHEREAS**, each of these Public Improvements is intended to accomplish the goals of eliminating blight and providing an economic basis for the encouragement of private development within the redevelopment areas; and

**WHEREAS**, the City's Capital Budget does not include funding for these Public Improvements and there are no other reasonable means of financing these projects;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

A. The City Council hereby determines, based upon the information contained in the Memorandum from the Assistant Director of Finance dated August 7, 2008 that Redevelopment Agency funding of the Public Improvements as set forth in the Memorandum:

1. Will benefit the various redevelopment project areas;
2. Cannot be reasonably financed by other means;
3. Will assist in the elimination of blight in the project areas; and
4. Is consistent with the implementation plan.

B. The City Council hereby consents to the Redevelopment Agency's funding of those Public Improvements.

ADOPTED this 21<sup>st</sup> day of October, 2008, by the following vote:

AYES: CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO,  
NGUYEN, OLIVERIO, PYLE, WILLIAMS, REED.

NOES: NONE.

ABSENT: CAMPOS.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk